

1 GREGORY C. SIMONIAN, ESQ. BAR#: 131162
2 VALERIE S. HIGGINS, ESQ. BAR # 238323
3 CLAPP, MORONEY, BELLAGAMBA and VUCINICH
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9 Attorneys for Defendants
10 THE PARKINSON'S INSTITUTE

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA- SAN JOSE DIVISION

13 LYNDA FRAYO,

14 Plaintiff,

15 v.

16 THE PARKINSON'S INSTITUTE, a
17 California Corporation, and DOES 1-50

18 Defendants.

CASE NO. C-07-04942-JF

DEFENDANT
THE PARKINSON'S INSTITUTE'S
NOTICE OF MOTION AND
MOTION TO STRIKE
PRAYER FOR ATTORNEY FEES.

Date: November 2, 2007
Time: 9:00
Courtroom: 3, 5th Floor

19 TO PLAINTIFF AND HER ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that on November 2, 2007, at 9:00 a.m., or as soon thereafter as
21 the matter may be heard in the above entitled court, located at 280 South First Street, San Jose, CA
22 95113, defendant THE PARKINSON'S INSTITUTE will move the court to strike paragraph 4 of
23 plaintiff's prayer, pursuant to FRCP 12(f), because attorney fees are not recoverable as a matter of
24 law.

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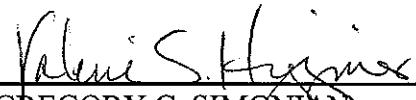
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1 This motion will be based on this Notice of Motion and Motion, the Memorandum of
2 Points and Authorities filed herewith, and the pleadings and papers filed herein.

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4 DATED: September 26, 2007

CLAPP, MORONEY, BELLAGAMBA
and VUCINICH

5
6
7 By:


GREGORY C. SIMONIAN
VALERIE S. HIGGINS
Attorneys For Defendant
THE PARKINSON'S INSTITUTE